

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE: WB COYLE A/K/A WILLIAM BERNARD
COYLE A/K/A W.B. COYLE,**

Debtor.

Case No.: 15-cv-04126-YGR

**ORDER REQUIRING SUPPLEMENTAL
BRIEFING**

PIVOT POINT PARTNERS, LLC,

Appellant,

v.

E. LYNN SCHOENMANN, *et al.*,

Appellees.

Appellant Pivot Point Partners, LLC, (“Pivot Point”) brings this appeal challenging the bankruptcy court’s grant of appellee E. Lynn Shoenmann’s (the “Trustee”) motion for a preliminary injunction against Pivot Point enjoining it from foreclosing on a deed of trust.

The Court has conducted a preliminary review of the papers and has determined that Pivot Point asserted the incorrect standard of review in its opening brief to this Court (*see* Dkt. No. 7 at 8:3-18), which the Trustee adopted in her response brief (*see* Dkt. No. 13 at 4:6-8). Pivot Point and the Trustee improperly rely upon the general standards applicable to a district court’s review of a bankruptcy court’s findings of fact and conclusions of law. *See, e.g., In re DAK Industries, Inc.*, 66 F.3d 1091, 1094 (9th Cir. 1995). Here, however, the Court reviews the bankruptcy court’s grant of a preliminary injunction for an abuse of discretion. *In re Morgan-Busby*, 272 B.R. 257, 260 (9th Cir. BAP 2002); *In re First Alliance Mortgage Co.*, 264 B.R. 634, 644 (C.D.Cal. 2001). “A bankruptcy court abuses its discretion if it bases its ruling upon an erroneous view of the law or a clearly erroneous interpretation of the facts.” *In re Morgan-Busby*, 272 B.R. at 260-61 (citing *Cooter & Gell v. Hartmax Corp.*, 496 U.S. 384, 405 (1990)).

Consequently, the current briefs are inadequate to allow the Court to conduct a meaningful review of the decision below. The Court thus affords Pivot Point and the Trustee the opportunity to clarify the record and file supplemental briefs to address their arguments in light of the abuse of discretion standard of review applicable here. Pivot Point and the Trustee are **ORDERED** to file supplemental briefs of no more than ten (10) pages each by no later than **May 20, 2016**.

IT IS SO ORDERED.

Dated: May 6, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE